

Message Text

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ACTION EB-08

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FM AMEMBASSY BOGOTA

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TAGS: EAIR, CO, US

SUBJ: ROUTE APPROVALS FOR US AND COLOMBIAN AIRLINES

REF: BOGOTA 519

THE FOLLOWING IS AN OFFICIAL TRANSLATION OF NOTE RECEIVED
FROM FOREIGN MINISTRY AS PROMISED IN REFTEL: QUOTE
THE MINISTRY OF FOREIGN RELATIONS PRESENTS ITS COMPLIMENTS
TO THE HONORABLE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS
THE HONOR TO REFER TO THE AIR TRANSPORTATION TREATY SIGNED
IN BOGOTA ON OCTOBER 24, 1956, AS WELL AS THE EXCHANGE OF NOTES
ON THE ASSIGNMENT OF ROUTES ON OCTOBER 23, 1968, IN RELATION
TO THE APPLICATION WHICH IS BEING GIVEN BY THE GOVERNMENTS
OF THE UNITED STATES AND COLOMBIA TO SOME OF THE PRINCIPLES.
THE MINISTRY WOULD LIKE TO MENTION FIRST THAT IT FEELS THAT,
AT LEAST, AT THE MOMENT, THERE IS NO CAUSE TO INVOKE THE
CLAUSES OF THE ABOVE MENTIONED INSTRUMENTS CONCERNING THE PRO-
CEDURES TO BE APPLIED WHEN DISCREPANCIES BETWEEN PARTIES
ADVISE WITH RESPECT TO THE APPLICATION OR INTERPRETATION
OF THESE INSTRUMENTS. IT OCCURS THAT, IN VIRTUE OF THE CITED
NORMS, THE GOVERNMENT OF COLOMBIA HAS DESIGNATED AIRLINES
THAT CAN SERVICE THE AGREED ROUTES AND IN TURN THE GOVERNMENT
OF THE UNITED STATES HAS GRANTED CORRESPONDING PERMISSION.
HOWEVER, EACH TIME THAT THE AIRLINES DESIGNATED BY THE GOVERNMENT

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OF COLOMBIA INTRODUCE ANY MODIFICATION IN THE STOPS, WITHOUT
ALTERING IN ANY MANNER THE AGREED ROUTES, THEY ARE
OBLIGATED TO SUBMIT THEMSELVES TO AN EXTREMELY PROLONGED
AND COSTLY PROCEDURE WHICH APPARENTLY CONTRADICTS THE SPIRIT
AND LETTER OF ARTICLES 2, 3, AND 8 OF THE TREATY THAT GUARANTEE
THE MAINTENANCE OF SERVICES, THE OBLIGATION TO GRANT SUCH PERMISSION,
AND THE EQUAL OPPORTUNITY OF THE AIRLINES TO FUNCTION ON THE

AGREED ROUTES. IT IS EQUALLY IMPORTANT TO MENTION POINT NUMBER 2 OF THE MEMORANDUM OF UNDERSTANDING SIGNED JULY 5, 1968, IN WHICH THE DESIRABILITY OF CELERITY WITH RESPECT TO THE AUTHORIZATION OF OPERATING PERMITS IS DISCUSSED. THE GOVERNMENT OF COLOMBIA IN ITS TURN HAS BEEN INTERPRETING THE CITED NORMS, NOTWITHSTANDING PRECISE DISPOSITION CONTAINED IN INTERNAL LEGISLATION, IN THE SENSE THAT THE CHANGES IN OPERATING PERMITS SOLICITED BY AIRLINES DESIGNATED BY THE UNITED STATES ARE AUTHORIZED WITHOUT DELAY BY THE COLOMBIAN AVIATION AUTHORITIES AS LONG AS THEY CONFORM TO ALL THE PROVISIONS OF THE TREATY. IN OTHER WORDS, THESE AUTHORITIES GRANT PERMITS TO THOSE THAT THEY ARE OBLIGED TO WITHOUT ANY DELAY ESPECIALLY AS THE ONLY RESTRICTIONS THAT COULD BE IMPOSED IN CONFORMANCE WITH THE TREATY ARE THE DEMONSTRATION OF CAPACITY AND THE RELATIVE QUESTION OF SUBSTANTIAL OWNERSHIP. THESE HAVE BEEN EXAMINED FOR MANY YEARS AND, ACTUALLY, ADMIT PRACTICALLY NO DISCUSSION. THE MINISTRY OF FOREIGN RELATIONS THANKS THE HONORABLE EMBASSY OF THE UNITED STATES OF AMERICA FOR EXAMINING THE ABOVE POINTS OF VIEW AND, IN THE CASE THAT THEY BE RECEIVED, WILL REMAIN VERY GRATEFUL IF THE NECESSARY MEASURES ARE ADOPTED IN ORDER THAT THE APPLICATIONS THAT ARE PRESENTED, INCLUDING THOSE ALREADY BEING PROCESSED, ARE RESOLVED AS SOON AS POSSIBLE. UNQUOTE.
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